

FORM 2-03
**PROCEDURES FOR PROVIDING REASONABLE ACCOMMODATION,
REASONABLE MODIFICATION IN POLICIES, PRACTICES, OR
PROCEDURES, AND AUXILIARY AIDS AND SERVICES FOR
PARTICIPATION IN THE JOB CORPS¹ PROGRAM**

DEFINITIONS**What is the definition of disability?²**

“Disability” means, with respect to an individual:

- A physical or mental impairment that substantially limits one or more of the major life activities of such individual;
- A record of such an impairment; or
- Being regarded as having such an impairment.³

The definition of “disability” shall be construed broadly in favor of expansive coverage, to the maximum extent permitted by federal disability nondiscrimination law.

What is a physical or mental impairment?

A physical impairment is any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems, such as: Neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin, and endocrine.

A mental impairment is any mental or psychological disorder such as intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

“Physical or mental impairment” includes, but is not limited to, contagious and noncontagious diseases and conditions such as the following: Orthopedic, visual, speech and hearing impairments, and cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, intellectual disability, emotional illness, pregnancy-related medical conditions, dyslexia and other specific learning disabilities, Attention Deficit Hyperactivity Disorder, Human Immunodeficiency Virus infection (whether symptomatic or asymptomatic),

¹ Job Corps is a general term that includes the national Job Corps program; Job Corps contractors and center operators; Job Corps national training contractors; and Outreach and Admissions and Placement agencies, including Job Corps contractors that perform these functions.

² As defined in 29 CFR 38.4(q).

³ Under federal law, only a person who meets one or both of the first two prongs of the disability definition (i.e., actual disability or record of a disability) is entitled to reasonable accommodation.

tuberculosis, drug addiction, and alcoholism.

Are there certain impairments that will virtually always be found to impose a substantial limitation on a major life activity?

The following impairments should be easily found to substantially limit a major life activity (and may substantially limit additional major life activities not explicitly listed):

- Deafness substantially limits hearing;
- Blindness substantially limits seeing;
- Intellectual disability substantially limits brain function;
- Partially or completely missing limbs or mobility impairments requiring the use of a wheelchair substantially limit musculoskeletal function;
- Autism substantially limits brain function;
- Cancer substantially limits normal cell growth;
- Cerebral palsy substantially limits brain function;
- Diabetes substantially limits endocrine function;
- Epilepsy, muscular dystrophy, and multiple sclerosis each substantially limits neurological function;
- Human Immunodeficiency Virus (HIV) infection substantially limits immune function; and
- Major depressive disorder, bipolar disorder, post-traumatic stress disorder, obsessive compulsive disorder, and schizophrenia each substantially limits brain function.

Are there conditions, situations, or orientations that are not considered physical or mental impairments?

“Physical or mental impairment” does not include homosexuality or bisexuality.

The term “individual with a disability” does not include an individual on the basis of

- Transvestism, transsexualism, or gender identity disorders not resulting from physical impairments;
- Pedophilia, exhibitionism, voyeurism, or other sexual behavior disorders;

- Compulsive gambling, kleptomania, or pyromania; or
- Psychoactive substance-use disorders resulting from current illegal use of drugs.

Drug addiction

As noted above, drug addiction is a physical or mental impairment.⁴ However, *the term “individual with a disability” does not include an individual who is currently engaging in the illegal use of drugs, when Job Corps acts on the basis of such use.* This exclusion means that it is generally not against the law for Job Corps to take adverse action against an individual – to separate him or her from Job Corps, or otherwise give him or her less favorable treatment than others – because of current illegal drug use.

This limitation does not exclude as an individual with a disability an individual who:

- Has successfully completed a supervised drug rehabilitation program (an in-patient, out-patient, or employee assistance program) and is no longer engaging in the illegal use of drugs, or has otherwise been rehabilitated successfully (e.g., recognized self-help programs such as Narcotics Anonymous) and is no longer engaging in the illegal use of drugs;
- Is participating in a supervised rehabilitation program and is no longer engaging in the illegal use of drugs; or
- Is erroneously regarded as engaging in illegal use of drugs, but is not engaging in such use, except that it is not a violation of the nondiscrimination and equal opportunity provisions of the Workforce Innovation and Opportunity Act or implementing regulations for Job Corps to adopt or administer reasonable policies or procedures, including but not limited to drug testing, designed to ensure that an individual is no longer engaging in the illegal use of drugs.

If an applicant/student is requesting to be considered a person with a drug addiction disability (for example, so they can request reasonable accommodation, reasonable modification in policies, practices, or procedures, and auxiliary aids and services (RA/RM/AAS)), a center may request documentation that the applicant/student:

- Has a drug addiction diagnosis;
- Has completed/is participating in a rehabilitation program or been rehabilitated successfully in some other way; and
- Is not currently engaging in the illegal use of drugs.

⁴ 29 CFR 38.4(q)(3)(ii). A person who casually uses (or used) drugs illegally but is not addicted is not considered an individual with a disability on that basis, and therefore is not protected from discrimination on that basis.

Alcoholism

As noted above, alcoholism is a physical or mental impairment.⁵ Individuals who are currently using alcohol are protected by federal disability nondiscrimination laws from adverse actions taken because of the alcoholism itself.

What are major life activities?⁶

Major life activities include, but are not limited to: caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, interacting with others, and working; and the operation of a “major bodily function,” such as the functions of the immune system, special sense organs and skin, normal cell growth, and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive systems. The operation of a major bodily function includes the operation of an individual organ within a body system.

In determining whether an impairment substantially limits a major life activity, the term “major” shall not be interpreted strictly to create a demanding standard.

Whether an activity is a “major life activity” is not determined by reference to whether it is of central importance to daily life.

What does “substantially limits” mean?

The term “substantially limits” shall be construed broadly in favor of expansive coverage, to the maximum extent permitted by the federal disability nondiscrimination law. “Substantially limits” is not meant to be a demanding standard.

When making a determination as to whether an impairment substantially limits the ability of an individual to perform a major life activity:

- The determination requires an individualized assessment.
- The determination should not require extensive analysis.
- An impairment that substantially limits one major life activity does not need to limit other major life activities to be considered a substantially limiting impairment.
- An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.
- An impairment is a disability within the meaning of federal disability nondiscrimination

⁵ 29 CFR 38.4(q)(3)(ii).

⁶ This list is not exhaustive but contains examples of some activities that can be considered major life activities.

law if it substantially limits the ability of an individual to perform a major life activity as compared to most people in the general population. An impairment need not prevent, or significantly or severely restrict, the individual from performing a major life activity in order to be considered substantially limiting. Nonetheless, not every impairment will constitute a disability within the meaning of this section.

- The comparison of an individual's performance of a major life activity to the performance of the same major life activity by most people in the general population usually will not require scientific, medical, or statistical evidence.
- The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures. However, the ameliorative effects of ordinary eyeglasses or contact lenses shall be considered in determining whether an impairment substantially limits a major life activity.
- Mitigating measures include, but are not limited to:
 - Medication, medical supplies, equipment, appliances, low-vision devices, prosthetics including limbs and devices, hearing aid(s) and cochlear implant(s) or other implantable hearing devices, mobility devices, and oxygen therapy equipment and supplies;
 - Use of assistive technology;
 - Reasonable modifications in policies, practices, or procedures, and auxiliary aids and services;
 - Learned behavioral or adaptive neurological modifications; or
 - Psychotherapy, behavioral therapy, or physical therapy.

Evidence showing that an impairment would be substantially limiting without mitigating measures could include evidence of limitations that a person experienced prior to using a mitigating measure, evidence concerning the expected course of a particular disorder absent mitigating measures, or readily available and reliable information of other types.

While the determination of whether an impairment substantially limits a major life activity must be made without regard to the ameliorative effects of mitigating measures, if the mitigating measure itself has non-ameliorative effects (such as negative side effects of medications), those effects may be considered. The use of a mitigating measure cannot be required.

An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when it is active. This means that chronic impairments with symptoms or effects that are episodic rather than present all the time are disabilities even if the symptoms or effects substantially limit a major life activity only when the impairment is active. Examples of

impairments that may be episodic include epilepsy, hypertension, asthma, diabetes, major depressive disorder, bipolar disorder, and schizophrenia.

The effects of an impairment lasting or expected to last less than 6 months can be substantially limiting for purposes of establishing an actual disability or record of a disability.

May the condition, manner, or duration under which a major life activity can be performed be considered in determining whether an impairment is a disability?

For conditions that are not easily found to impose a substantial limitation on a major life activity, the regulations state that in determining whether an individual is substantially limited in a major life activity, it may be useful in appropriate cases to consider, as compared to most people in the general population:

- The conditions under which the individual performs the major life activity;
- The manner in which the individual performs the major life activity; or
- The duration of time it takes the individual to perform the major life activity, or the duration of time for which the individual can perform the major life activity.

What are reasonable accommodations/modifications for individuals with disabilities?

The term “reasonable accommodation” means⁷:

- Modifications or adjustments to the application process that enable a qualified applicant with a disability to be considered for the aid, benefits, services, training, or employment that the qualified applicant desires; or
- Modifications or adjustments that enable a qualified individual with a disability to perform the essential functions of a job, or to receive aid, benefits, services, or training equal to that provided to qualified individuals without disabilities. These modifications or adjustments may be made to: (A) The environment where work is performed or aid, benefits, services, or training are given; or (B) The customary manner in which, or circumstances under which, a job is performed or aid, benefits, services, or training are given; or
- Modifications or adjustments that enable a qualified individual with a disability to enjoy the same benefits and privileges of the aid, benefits, services, training, or employment as are enjoyed by other similarly situated individuals without disabilities.

“Reasonable accommodation” includes, but is not limited to:

- Making existing facilities used by applicants, students, applicants for employment, and

⁷ As defined in 29 CFR § 38.4(yy).

employees readily accessible to and usable by individuals with disabilities; and

- Restructuring of a job or a service, or of the way in which aid, benefits, services, or training is/are provided; part-time or modified work or training schedules; acquisition or modification of equipment or devices; appropriate adjustment or modifications of examinations, training materials, or policies; the provision of readers or interpreters; and other similar accommodations for individuals with disabilities.

Job Corps may, but is not required to, provide any of the following to individuals with disabilities:

- Personal devices, such as wheelchairs;
- Individually prescribed devices, such as prescription eyeglasses or hearing aids;
- Readers for personal use or study; or
- Services of a personal nature, including assistance in eating, toileting, or dressing.

When is Job Corps not obligated to provide RA/RM/AAS for individuals with disabilities?

If Job Corps can prove that a proposed accommodation would cause undue hardship or that a proposed modification would fundamentally alter the program, Job Corps is not obligated to provide the RA/RM/AAS.

Undue Hardship

With regard to reasonable accommodation of individuals with disabilities, “undue hardship” means significant difficulty or expense incurred by Job Corps, when considered in light of the factors below:

1. The nature and net cost of the accommodation needed, taking into consideration the availability of tax credits and deductions, and/or outside funding, for the accommodation;
2. The overall financial resources of the Job Corps program involved in the provision of the reasonable accommodation, including:
 - The number of persons aided, benefited, served, or trained by, or employed at, the Job Corps program; and
 - The effect the accommodation would have on the expenses and resources of the Job Corps program;
3. The overall financial resources of Job Corps, including:
 - The overall size of Job Corps;

- The number of persons aided, benefited, served, trained, or employed by Job Corps; and
 - The number, type, and location of Job Corps' facilities;
4. The type of operation or operations of Job Corps, including:
- The geographic separateness and administrative or fiscal relationship of the Job Corps program in question to Job Corps; and
 - Where the individual is seeking an employment-related accommodation, the composition, structure, and functions of Job Corps' workforce; and
5. The impact of the accommodation upon the operation of the Job Corps program, including:
- The impact on the ability of other students to receive aid, benefits, services, or training, or of other employees to perform their duties; and
 - The impact on the Job Corps program's ability to carry out its mission.

In those circumstances where Job Corps believes that a proposed accommodation would cause undue hardship, Job Corps has the burden of proving that the accommodation would result in such hardship.

Job Corps may conclude that the accommodation would cause such hardship only after considering all factors listed in the definition of "undue hardship" above. The decision must be accompanied by a written statement of the reasons for reaching that conclusion (see Reasonableness Review Form, Undue Hardship or Fundamental Alteration, National Office Analysis/Decision below). A copy of the statement of reasons must be provided to the individual or individuals who requested the accommodation.

If a requested accommodation would result in undue hardship, Job Corps must, after consultation with the individual with a disability, take any other action that would not result in such hardship but would nevertheless ensure that, to the maximum extent possible, individuals with disabilities receive the aid, benefit, service, training, or employment provided by Job Corps.

Fundamental Alteration

"Fundamental alteration" means:

- A change in the essential nature of a Job Corps program or activity as defined in 29 CFR 38.4(z), including but not limited to an aid, service, benefit, or training; or
- A cost that Job Corps can demonstrate would result in an undue burden.

Factors to be considered in making the determination whether the cost of a modification would result in such a burden include:

1. The nature and net cost of the modification needed, taking into consideration the availability of tax credits and deductions, and/or outside financial assistance, for the modification;
2. The overall financial resources of the Job Corps program involved in the provision of the modification, including:
 - The number of persons aided, benefited, served, or trained by, or employed at, the Job Corps program; and
 - The effect the modification would have on the expenses and resources of the Job Corps program;
3. The overall financial resources of the Job Corps program, including:
 - The overall size of Job Corps;
 - The number of persons aided, benefited, served, trained, or employed by Job Corps; and
 - The number, type, and location of Job Corps' facilities;
4. The type of operation or operations of Job Corps, including:
 - The geographic separateness and administrative or fiscal relationship of the Job Corps program in question to Job Corps; and
 - Where the modification sought is employment-related, the composition, structure, and functions of Job Corps' workforce; and
5. The impact of the modification upon the operation of the Job Corps program, including:
 - The impact on the ability of other students to receive aid, benefit, service, or training, or of other employees to perform their duties; and
 - The impact on the Job Corps program's ability to carry out its mission.

In those circumstances where Job Corps believes that a proposed modification would fundamentally alter the program, activity, or service, Job Corps has the burden of proving that the modification would result in such an alteration.

Job Corps may conclude that a modification would result in such an alteration only after

considering all factors listed in the definition of “fundamental alteration” above. The decision must be accompanied by a written statement of the reasons for reaching that conclusion. A copy of the statement of reasons must be provided to the individual or individuals who requested the modification.

If a modification would result in a fundamental alteration, Job Corps must take any other action that would not result in such an alteration but would nevertheless ensure that, to the maximum extent possible, individuals with disabilities receive the aid, benefits, services, training, or employment provided by Job Corps.

What is a service animal?

A service animal is any **dog** that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the individual’s disability.

Job Corps generally permits the use of a service animal by an individual with a disability. Center staff should contact their Regional Disability Coordinator (RDC) to ensure proper access is provided to an applicant/student with a service animal.

What kind of documentation can be requested related to a service animal?

Job Corps must not ask about the nature or extent of a person’s disability. If an animal’s service tasks are not obvious, Job Corps may make two inquiries to determine whether it qualifies as a service animal:

- Is the animal required because of a disability?
- What work or task has the animal been trained to perform?

Job Corps cannot require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal.

What are assistance animals?

“Assistance animals” is a term that includes “emotional support” or “comfort” animals. Assistance animals provide companionship, relieve loneliness, and sometimes help with depression and certain phobias, but do not have training to perform specific tasks that assist people with disabilities. Consequently, these animals do not meet the definition of service animal.

Are assistance animals permitted on Job Corps centers?

Job Corps will consider requests for accompaniment by assistance animals as reasonable accommodation requests on a case-by-case basis. Consideration will be given to the specific needs and request of the individual with the disability, the type of animal, and the type of assistance it provides.

Who is a qualified interpreter for an individual with a disability?

A qualified interpreter for an individual with a disability includes, for example, a sign language interpreter, an oral transliterator, and a cued-language transliterator. When an interpreter is provided to a person with a disability, the qualified interpreter must be able to sign or otherwise communicate effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary, either in-person, through a telephone, a video remote interpreting (VRI) service, or via internet, video, or other technological methods.

What are Job Corps' obligations to communicate with an individual with a disability?

Centers must take appropriate steps (e.g., provide relevant communication-related accommodations, auxiliary aids and services) to ensure that communications with applicants/students (and/or applicants'/students' parents, guardians, or other representatives) who have disabilities are as effective as communication with others. This obligation, which is separate from the reasonable accommodation obligation, is described in detail in Appendix 201, Communicating with Individuals with Disabilities.

POLICY/SOP

An applicant or student with a disability is entitled to request and receive reasonable accommodation, reasonable modification in policies, practices, or procedures, and auxiliary aids and services (RA/RM/AAS) to apply to and/or participate in the Job Corps program at any time during the admissions process or enrollment.⁸ Each center is required to have a Disability Accommodation Process Standard Operating Procedure (SOP) to carry out these requirements (see Exhibit 5-1, Standard Operating Procedure). The SOP must include all components outlined in the process section below. The center's Disability Coordinators (DCs) must ensure that a Disability Accommodation Process SOP is in place and must coordinate the center's disability accommodation process.

PROCESS

To maintain confidentiality, disability documentation is made available on a need-to-know basis only, and participants in the RA/RM/AAS process must not discuss information about the request outside of the process. See also Appendix 202, Transmission, Storage, and

⁸ For Job Corps policy on providing RA/RM/AAS to applicants to participate in the admissions process, see Form 1-05.

Confidentiality of Medical, Health, and Disability-Related Information.

The center's RA/RM/AAS process must include the following components:

- Documenting the Disability Accommodation Process
- Determining the Need for RA/RM/AAS
- Gathering Documentation
- Engaging in the Interactive Process
- Determining Reasonableness
- Entering the Accommodation Plan in CIS
- Notifying Staff of the Accommodation Plan
- Accessing/Implementing/Monitoring the Accommodation Plan
- Maintaining/Storing Files
- Initiating a Disability/Accommodation Referral

Documenting the Disability Accommodation Process

Documentation of actions and decisions is required by federal disability nondiscrimination law and can be very important if an applicant/student alleges discrimination. All interactions related to the provision or denial of RA/RM/AAS must be documented in the CIS Accommodation Notes tab.

Determining the Need for RA/RM/AAS

Applicant

At the center assignment, there must be contact (phone or in person) between a Disability Coordinator (DC) and applicant (and parent/guardian, when appropriate) to determine if the applicant wishes to receive RA/RM/AAS when the applicant (or others on the applicant's behalf):

- Makes a RA/RM/AAS request verbally, in writing, or via the 653, Job Corps Health Questionnaire;
- Indicates they would like to discuss the need for RA/RM/AAS with a DC; or
- Discloses a disability and/or provides documentation that indicates they may be an individual with a disability who may need RA/RM/AAS to participate in Job Corps.

The contact must be made prior to assigning the applicant a start date. If a DC is unable to reach the applicant to conduct the RA/RM/AAS process, then the center, in collaboration with Outreach and Admissions, must document the attempts to contact the applicant and, if unable to do so, process the file as a withdrawal of application. The individual may reapply at any time.

Student

There must be contact (phone or in person) between a DC and student (and parent/guardian, when appropriate) to determine if the student wishes to receive RA/RM/AAS when the student (or others on the student's behalf):

- Makes a RA/RM/AAS request verbally, in writing, or via the 653, Job Corps Health Questionnaire.
- Indicates they would like to discuss the need for RA/RM/AAS with a DC; or
- Discloses a disability and/or provides documentation that indicates they may be an individual with a disability who may need RA/RM/AAS.

Documenting Contact

Whenever an applicant/student requests RA/RM/AAS, it must be documented on the Reasonable Accommodation, Reasonable Modification in Policies, Practices, or Procedures, and Auxiliary Aids and Services Request and Disability Coordinator Contact Form and then the DC must engage the applicant/student in the interactive RA/RM/AAS process. If the applicant/student agrees to an accommodation plan, the form is stored in an Accommodation File (AF) once the student is enrolled.

Applicant/Student Declines Accommodations

- If the applicant/student declines accommodation, this information is documented on the Reasonable Accommodation, Reasonable Modification in Policies, Practices, or Procedures, and Auxiliary Aids and Services Request and Disability Coordinator Contact Form and the applicant/student is instructed to contact the DC(s) if they decide accommodation is necessary at a later date.
- The form documenting the declination of RA/RM/AAS is stored in a Disability, No Accommodation File (DNAF) once the student is enrolled.

Gathering Documentation

During the Application Process

Outreach and Admissions will secure supporting medical and/or educational documentation, must not review the contents of these documents, and must upload all medical and special education/disability documentation to the Wellness and Accommodation E-Folder. See PRH Chapter 1, Section 1.2, R3.e.3; Section 1.4, R1.a.2 and Appendix 202, Transmission, Storage and Confidentiality of Medical, Health and Disability-Related Information.

After Enrollment

The DC can ask the student for reasonable documentation of their disability and functional limitations unless both the disability and need for RA/RM/AAS are obvious. Only the

documentation that is needed to establish that (1) the student has a disability, and (2) the disability necessitates a RA/RM/AAS may be requested. It is important to obtain this type of information since the RA/RM/AAS needs of an individual with a disability will depend on the individual's functional capacities and limitations rather than their diagnosis. The applicant/student may be provided assistance to obtain documentation.

Documentation Sources

The documentation of the disability and the functional limitations must come from an appropriate health-care or rehabilitation professional (e.g., physicians, psychiatrists, psychologists, nurses, physical therapists, occupational therapists, speech therapists, vocational rehabilitation specialists) or from educational institutions such as public schools (e.g., special education records, 504 plans and supporting documentation, school medical plans and supporting documentation, etc.). In some cases, qualified center licensed health professionals may be able to diagnose certain conditions/provide documentation of disability. See also Testing by Center Mental Health Consultant (CMHC) section below.

No Documentation of Disability

If an applicant's or student's disability or need for RA/RM/AAS is not obvious, and they do not provide documentation to support a request for accommodation, then they may not be entitled to RA/RM/AAS. If an applicant/student suspects that they may have a disability that has not been diagnosed and is unable to pay for an evaluation, the AC or a DC should provide the applicant/student with referral information.

Documentation to Support Accommodations for Standardized Testing

Types of accommodations that are allowable in a standardized testing situation such as the Test of Adult Basic Education (TABE) or high school curriculum competency assessments usually are more limited than in other environments such as the academic and career technical training classrooms because certain accommodations may significantly alter what the test is intended to measure. Accommodations for standardized testing generally fall into the following categories:

- changes to the methods of presentation of the test (e.g., oral reading of test directions);
- changes to the methods of response to the test (e.g., use of paper/pencil test and answer sheet);
- test setting (e.g., taking the test in small rather than large groups); and
- test timing (e.g., extension of time to take a test).

Testing accommodations should be provided only after documentation of the disability containing information that supports the need for the testing accommodations has been provided, unless the disability is obvious (for example, a student is blind and needs either an oral administration or a Braille administration of the TABE, as appropriate). See Gathering Documentation to determine appropriate sources of accommodation documentation.

See Appendix 301 and the TABE 11/12 Student Testing System Administrator's Guide regarding the use of paper/pencil versions of the tests as an accommodation, extending time between the follow-up TABE tests for students, and other testing accommodation considerations.

Testing by the Center Mental Health Consultant (CMHC)

Providing educational and psychological testing is NOT considered part of the routine tasks of the CMHC and is NOT accounted for in the allotted hours per 100 students. Students who need educational and psychological testing to document suspected Learning or Cognitive Disorders or Attention Deficit Hyperactivity Disorder (ADHD) should be referred to vocational rehabilitation or other appropriate resources. For centers that have public school or charter school partners, the center may be able to access appropriately trained and qualified staff (e.g., school psychologists) to assist with the assessments. Appropriately licensed and trained CMHCs (or practicum students under their supervision) who elect to be involved in the assessment of educational and/or psychological conditions must use evaluations that meet community standards for diagnosis of the particular condition and all documentation related to the assessment must be included in the Student Health Record (SHR). CMHCs should contact their Regional Mental Health Specialists for more information on conducting assessments.

Engaging in the Interactive Process

Disability Accommodation Committee

To determine the appropriate RA/RM/AAS, the center's Disability Accommodation Committee (DAC), led by the center DC(s), must initiate an informal, interactive process with the individual with a disability in need of RA/RM/AAS.

The DAC must meet when:

- A center has recommended denial of an application of an individual with a disability (see Accommodation Request or Documentation of Disability within Applicant File Review section below).
- An applicant who is an individual with a disability has appealed their denial from the Job Corps program (see Accommodation Request or Documentation of Disability within the Appeals Process section below).
- An applicant or student requests RA/RM/AAS in order to participate in the Job Corps program.
- An applicant or student provides documentation that indicates they may be an individual with a disability who may need RA/RM/AAS to participate in the Job Corps program.
- Concerns are identified during the RA/RM/AAS effectiveness review process (See Monitoring Accommodations).

- Referrals are made to the DCs that indicate an accommodation plan may be needed or the review of a current accommodation plan may be needed.
- Students enter work-based learning or Career Transition Readiness. The DAC meets to review and discuss any RA/RM/AAS the student may need to access and/or participate in the specific work environment or program they are entering.
- Students need assistance in securing RA/RM/AAS for the High School Equivalency and certification examinations administered on center, by partnering program and/or certification organization providers and for these examinations.
- A TABE waiver request (See Appendix 303, Checklist for Exemption from Tests of Adult Basic Education for Students with Documented Cognitive Disabilities and Form for Request for a Disability Waiver from TABE Testing) is being submitted.
- A maximum benefit separation is being considered (See Form 6-01, Maximum Benefits Separation).

Members of DAC

Participants of the DAC vary depending on the nature of the request but must always include a DC (chairperson) and applicant/student and their parents (if the applicant/student is a minor or requests their parents attend the meeting). Other possible members may include:

- Academic Manager and the Health and Wellness Director (HWD), if the center has a dedicated position for a DC; otherwise, it is presumed that the Academic Manager and the HWD are DCs, see PRH Chapter 2, Section 2.4.
- CMHC, physician, dentist, or TEAP Specialist
- Career Technical Manager
- Student's counselor
- Representatives of center departments directly impacted by the accommodation request
- Community agency or other program partner and/or resource if the applicant/student is receiving benefits or services in the community.
- Advocate or authorized representative of the applicant/student

DAC Considerations

If the RA/RM/AAS request is straightforward and does not involve significant expense, the interactive process can be a DAC meeting (phone or face-to-face) between a DC and the applicant/student (and parents, service providers, if applicable). Agreed upon RA/RM/AAS can

be determined at this meeting and approved by a DC.

If the RA/RM/AAS request is complex and/or may involve significant expense, a DAC meeting involving additional participants may be required.

Additionally, the DAC must:

- Review documentation that was provided.
- Review any specific RA/RM/AAS requested by the applicant/student or by others on the applicant/student's behalf and review whether the documentation supports the need for the types of RA/RM/AAS requested.
- Consider RA/RM/AAS needs of applicants/students who disclose their disability via documentation but who have made no specific RA/RM/AAS request. The DAC will assist in identifying RA/RM/AAS for consideration.
- Identify all the functional limitations resulting from the applicant's/student's disability and the potential RA/RM/AAS that could overcome those limitations.
 - Consider RA/RM/AAS for all areas of the center, not just academics and testing (e.g., career technical, residential, common areas, transportation, etc.), in which the functional limitations of the applicant/student may impact access and participation.
 - RA/RM/AAS afforded to an applicant or student must be relevant to that individual's impairment and functional limitations resulting from the impairment. For example, a student who has diabetes and who has been granted RA/RM/AAS that include schedule adjustments and frequent breaks would not be entitled to the use of a calculator on the TABE unless there was also a corresponding disability in math calculations.
- Document any declinations (e.g. decline or refusal of RA/RM/AAS) of RA/RM/AAS (including alternative but equally effective RA/RM/AAS) by the applicant/student in the CIS Accommodation Notes tab.
- Identify the center staff responsible for ensuring approved RA/RM/AAS are provided and the date by which the RA/RM/AAS will be in place. Approved RA/RM/AAS for applicants must be in place by the scheduled arrival date of the applicant.
- Determine if there is a cost associated with providing the RA/RM/AAS. If there is a cost, determine the amount and type of contribution to be obtained from other sources toward the purchase or acquisition of the RA/RM/AAS. If the cost will be greater than \$5,000, see the Funding High-Cost Accommodations section.
- Develop an accommodation plan.

If it is determined that Job Corps cannot provide the requested RA/RM/AAS or an alternate RA/RM/AAS that the applicant/student agrees is equally effective, see Determining Reasonableness section.

RA/RM/AAS Request or Documentation of Disability within Recommendations of Denial of Enrollment and/or the Appeal of Recommendations of Denial

RA/RM/AAS considerations within the health care needs and/or the direct threat assessment process will include only those related to the limitations that are presenting barriers to enrollment. For more information, see PRH Chapter 1, Section 1.5.R6, Forms 2-04, Direct Threat Assessment and 2-05, Health Care Needs Assessment.

Applicants who submit an appeal of a denial of enrollment decision to a Regional Office, along with the appropriate supporting health or medical documentation (see PRH Chapter 1, Section 1.5.R10), must receive a new review of their application, including a new review and consideration of RA/RM/AAS.

Funding High-Cost Accommodations

Generally, centers are responsible for any costs associated with providing RA/RM/AAS to students with disabilities. In rare cases, a high-cost RA/RM/AAS (e.g., sign language interpreter) may be needed. If RA/RM/AAS costs are more than \$5,000, contact the center's RDC for assistance requesting National Office funding.

Determining Reasonableness

There is no specific list of RA/RM/AASs that will or will not be provided. Each request for RA/RM/AAS must be evaluated individually, and a determination made regarding whether it is reasonable.

Reasonableness Reviews

The Center Director must complete and document a reasonableness review (see Reasonableness Review Form, Undue Hardship or Fundamental Alteration below) if there is a concern that a request may either pose an undue hardship or result in a fundamental alteration to the program. See Undue Hardship and Fundamental Alteration for the factors that must be considered and the process for documenting the decision.

- If the National Office determines that the request is reasonable, the accommodation must be provided.
- If the National Office determines that the request is unreasonable (meaning that it would either pose an undue hardship or result in a fundamental alteration to the program), the applicant/student must be provided a written statement from the National Office that includes the reason for the denial of the requested accommodation.

- If the applicant's health care needs are within what the Job Corps health and wellness program can provide (i.e., defined as basic health care in Exhibit 2-4, Job Corps Basic Health Care Responsibilities), and either there is no need for a direct threat assessment or a direct threat assessment has been conducted with the conclusion that the individual does not pose a direct threat to others, the applicant may still elect to enroll in the program or the student may elect to remain in the program. The individual may request other accommodations at any time during their participation in the Job Corps program. See Determining the Need for RA/RM/AAS.

Entering the Accommodation Plan in CIS

Applicant Request for Accommodation to Participate in the Program during Admissions

- If an applicant discloses a disability and/or requests RA/RM/AAS to participate in the Job Corps program during the admissions process, the accommodation plan must be entered in CIS using the accommodation plan icon prior to or on the day of the student's arrival.

Student Request for Accommodation

- If a student discloses a disability and/or requests RA/RM/AAS after enrollment and arrival on center, the accommodation plan must be entered in CIS using the accommodation plan icon soon after disclosure of disability whether the disclosure occurs from disability documentation, completion of a RA/RM/AAS Request Form or verbally.

TABE Accommodations

- For students who disclose their disability prior to arrival and require TABE testing accommodations, this data must be entered prior to the administration of the first TABE test. If a student discloses a disability and requests testing accommodations after the administration of the first TABE test, the accommodation plan should be entered into CIS as soon as possible after disclosure of disability (see Chapter 2, Section 2.4, R3.a) and must be entered prior to the next TABE test administration.

Administrative Considerations

Accommodation plans must not include information about an individual student's diagnosis, medication needs, or other health-related history or information unless necessary to comply with the accommodation plan and in accordance with Appendix 202.

A DC and student must sign the plan (soon after the student's arrival if the disclosure occurred during the admissions process or after the DAC meeting if the disclosure occurred after arrival).

A copy of the plan must be provided to the student, and the original must be maintained in the

student's AF.

Accommodation Plans/Files for Transfer/Readmit/Advanced Training Students with Existing Accommodation Plans

If a student with an accommodation plan already in CIS transfers to another center, re-enrolls in the program, or is admitted to an advanced training program, the center must engage the individual in the interactive accommodation process. See Engaging in the Interactive Process.

Previous Documentation

The DC must determine if the student's existing documentation has been uploaded in E-Folder and/or provided to the center (i.e., received an AF) or documentation is contained within the SHR. If not, request that the sending center upload the existing documentation. If the documentation cannot be obtained, then document in the Accommodation Plan notes within CIS that the student previously had an accommodation plan documented in CIS and the center's efforts to obtain the documentation. Then continue to provide the previously agreed upon accommodations.

Notifying Staff of the Accommodation Plan

As necessary (i.e., when accommodation plans are added or updated in CIS), but at least biweekly, a DC must e-mail staff members who interact with students a list of all students with accommodation plans available in the CIS. The list must specifically indicate any plans that are new or updated. Copies of these e-mails must be maintained by a DC in a secured location.

Accessing/Implementing/Monitoring the Accommodation Plan

All center staff responsible for providing accommodations must have access to the accommodation plan report in CIS (see Chapter 2, Section 2.4 R3.e) and must access plans by using the CIS accommodation plan icon. Staff are responsible for providing accommodations as indicated in the accommodation plan. Managers are responsible for ensuring that accommodation plans are implemented in their areas of supervision. See also Notifying Staff of Accommodation Plan. As the student participates in the program, new needs may be identified or accommodation adjustments may be required. The effectiveness of a student's accommodation plan must be evaluated with the student at least every 60 days throughout the student's enrollment in Job Corps. Documentation of monitoring must be noted in the CIS Accommodation Notes tab.

Maintaining/Storing the Accommodation File or Disability No Accommodation File

Each student with a disability must have either an AF (if the student has an accommodation plan) or a DNAF (if the student has a disability but declined accommodation).

All AFs must contain:

- Documentation of disability (medical records must remain in SHR with a note in the AF indicating that the documentation is stored in the SHR)
- RA/RM/AAS Request and Disability Coordinator Contact Form as appropriate
- Signed Accommodation Plan(s)
- CIS Accommodation Notes tab printout (added at separation)

AFs may also contain:

- Accommodation Monitoring Forms (optional, monitoring must be documented in CIS Accommodation Notes tab)
- Referral Form (if applicable)

All DNAFs must contain:

- Documentation of Disability (medical records should remain in SHR with a note in DNAF indicating that the documentation is stored in the SHR).
- RA/RM/AAS Request and Disability Coordinator Contact Form as appropriate. Completion of the form appropriately serves as documentation of contact with the applicant; however, DCs can store additional notes documenting contact in the DNAF.

When the student separates, the AF or DNAF must be sealed and sent to records. See Appendix 202 Transmission, Storage, and Confidentiality of Medical, Health, and Disability-Related Information for more information on access to and storage of disability-related information.

Initiating a Disability/Accommodation Referral

A written referral/feedback system must be established to document a referral to the DCs when a student discloses a disability and may want RA/RM/AAS or staff suspects a student may have a disability that is impacting their success in the program and should meet with the DCs to consider RA/RM/AAS. All documentation related to the referral/feedback must be stored in the student's AF or in the SHR if no AF exists.

**REASONABLE ACCOMMODATION, REASONABLE MODIFICATION IN POLICIES,
PRACTICES OR PROCEDURES, AND AUXILIARY AIDS AND SERVICES
(RA/RM/AAS) REQUEST AND DISABILITY COORDINATOR CONTACT FORM**

Individuals with disabilities may request RA/RM/AAS (changes in the way things are done, or other types of help) to assist them in participating in the Job Corps program. This form is divided into three parts:

- **Part 1** is to be completed by the applicant or student if requesting RA/RM/AAS or if the applicant or student would like to speak with a center Disability Coordinator.
- **Part 2A or 2B** is to be completed by the Disability Coordinator to document the contact with the applicant or student.

Part 1: RA/RM/AAS Request (completed by applicant/student)

Applicant/Student - Complete Part 1 of this form if you would like to request RA/RM/AAS or if you would like to discuss RA/RM/AAS with a Center Disability Coordinator.

Applicant/Student Name: _____ ID#: _____

Select the appropriate box.

- I would like to request RA/RM/AAS. *Please list each specific RA/RM/AAS you are requesting. For example, if you are requesting extended time for tests and extended time for assignments, then be sure to include both below. Do not use general statements such as "See IEP." A Center Disability Coordinator will contact you to discuss the request.*
- -
 -
- I think I may need RA/RM/AAS, but I am not sure what I will need. I would like to talk directly with a Center Disability Coordinator about my RA/RM/AAS needs. *A Center Disability Coordinator will contact you.*

Depending on your disability and the type of RA/RM/AAS you are asking for, Job Corps may ask you to provide documentation about your disability and how it affects you.

Applicant/Student Signature

Date

Parent/Guardian Signature

Date

Outreach and Admissions staff or the Center Disability Coordinator must upload this form and related documentation to the respective Wellness and Accommodation E-Folders in CIS.

**REASONABLE ACCOMMODATION, REASONABLE MODIFICATION IN POLICIES,
PRACTICES OR PROCEDURES, AND AUXILIARY AIDS AND SERVICES
(RA/RM/AAS) REQUEST AND DISABILITY COORDINATOR CONTACT FORM
(cont.)**

Part 2: Disability Coordinator Contact (completed by Disability Coordinator)

Job Corps policy requires that a Center Disability Coordinator contact an applicant/student to discuss potential RA/RM/AAS needs if the applicant discloses a disability and/or requests RA/RM/AAS. Disability Coordinators must use this section of the form to document that contact.

Part 2A: Accommodation Requests

Job Corps policy requires that a Center Disability Coordinator contact an applicant/student to discuss potential RA/RM/AAS needs if the applicant requests RA/RM/AAS. Disability Coordinators must use this section of the form to document that contact.

Skip to Part 2B, Disclosure of Disability, to discuss potential RA/RM/AAS needs if the applicant/student did not make a formal RA/RM/AAS request but instead disclosed their disability via the 653, documentation of disability, or via any other communication method. Disability Coordinators must use this section of the form to document that contact.

Step 1: Check each box that applies.

- Requested RA/RM/AAS prior to arrival
- Requested RA/RM/AAS after enrollment

Step 2: Ensure that PART 1 has been completed in its entirety. If the first box was checked without listing specific accommodations (i.e., says “See IEP,” for example), then contact the applicant to define the specific RA/RM/AAS(s) being requested and document in Part 1 above. If a student declines accommodation initially but then decides that they do wish to have accommodations, then have the individual complete Part 1.

Step 3: Document the outcome(s) of the interactive RA/RM/AAS process by completing the section below. Check all that apply.

- I have met with the applicant/student by telephone or in person to discuss their RA/RM/AAS needs.
- The applicant/student would like RA/RM/AAS. An accommodation plan was developed and entered in CIS. Store this form in the AF.
- The applicant/student does not wish to receive RA/RM/AAS. The applicant/student has been informed that they may request RA/RM/AAS at any time. Store this form in the Disability No Accommodation File (DNAF).
- The applicant/student and the center cannot agree to an accommodation plan. The center has offered reasonable alternative accommodations and completed a Reasonableness

Review and submitted the Reasonableness Review Form for National Office review. Upload this form to the Wellness and Accommodation E-Folder, Disability E-Folder and may put a copy in the DNAF or the AF as determined by the outcome of the review.

Update the notes in the Accommodation Plan Notes section of CIS.

**REASONABLE ACCOMMODATION, REASONABLE MODIFICATION IN POLICIES,
PRACTICES OR PROCEDURES, AND AUXILIARY AIDS AND SERVICES
(RA/RM/AAS) REQUEST AND DISABILITY COORDINATOR CONTACT FORM
(cont.)**

Part 2B: Disclosure of Disability

Job Corps policy requires that a Center Disability Coordinator contact an applicant/student to discuss potential RA/RM/AAS needs if the applicant discloses a disability via the 653, documentation of disability, or via any other communication method but made no formal RA/RM/AAS request. Disability Coordinators must use this section of the form to document that contact.

Step 1: Check each box that applies.

- Disclosed/provided documentation indicating disability is likely prior to arrival (no request made) (i.e., documentation source(s) such as IEP, Chronic Care Management Plan, health documentation, etc.)
- Disclosed/provided documentation indicating disability is likely after enrollment (no request made) (i.e., documentation source(s) such as IEP, Chronic Care Management Plan, health documentation, etc.)
- Diagnosed with a disability by a qualified center licensed health professional or program partner after enrollment

Step 2: Document the outcome(s) of the contact by completing the section below.

- I have met with the applicant/student by telephone or in person to discuss their RA/RM/AAS needs.
- The applicant/student would like RA/RM/AAS. An accommodation plan was developed and entered in CIS. Ensure that Part 1 of the form is completed. Store this form in the AF.
- The applicant/student does not wish to receive RA/RM/AAS. The applicant/student has been informed that they may request RA/RM/AAS at any time. Store this form in the DNAF.
- The applicant/student and the center cannot agree to an accommodation plan. The center has offered reasonable alternative accommodations and completed a Reasonableness Review and submitted the Reasonableness Review Form for National Office review. Upload this form to the Wellness and Accommodation E-Folder, Disability E-Folder and may put a copy in the DNAF or the AF as determined by the outcome of the review.

Update the notes in the Accommodation Plan Notes section of CIS.

Applicant/Student Signature

Date

Parent/Guardian Signature

Date

Disability Coordinator Signature

Date

REASONABLENESS REVIEW FORM UNDUE HARDSHIP OR FUNDAMENTAL ALTERATION

Instructions: If there is a concern that a reasonable accommodation, reasonable modification in policies, practices or procedures, and auxiliary aids and services (RA/RM/AAS) request may cause undue hardship or fundamental alteration to the program,⁹ then the Center Director (CD) **must** complete a reasonableness review. The center Disability Coordinator (DC) may assist with the completion of this form, but it must be signed by the CD.

Name:		Date:	
Center:		ID#:	

Applicant

 Student

List the RA/RM/AAS requested that are under review:

1.		<input type="checkbox"/>	Undue Hardship	<input type="checkbox"/>	Fundamental Alteration
2.		<input type="checkbox"/>	Undue Hardship	<input type="checkbox"/>	Fundamental Alteration
3.		<input type="checkbox"/>	Undue Hardship	<input type="checkbox"/>	Fundamental Alteration

Background

- Why is the RA/RM/AAS needed? List the specific functional limitations and/or reasons the RA/RM/AAS is needed for the individual to participate in the Job Corps program.

- Did the individual with a disability provide documentation of the disability (if the disability is not obvious)? If so, what documentation was provided?

- Does the documentation support the functional limitations that require the requested RA/RM/AAS? Provide a brief explanation.

⁹ See PRH Form 2-03.

4. Were any alternative RA/RM/AASs/modifications offered to the applicant/student that would be equally effective in providing access to participation in the Job Corps program? If so, please complete the table below.

Alternative Accommodations/Modifications	Applicant's/Student's Response			
	<input type="checkbox"/>	Declined	<input type="checkbox"/>	Accepted
	<input type="checkbox"/>	Declined	<input type="checkbox"/>	Accepted
	<input type="checkbox"/>	Declined	<input type="checkbox"/>	Accepted
	<input type="checkbox"/>	Declined	<input type="checkbox"/>	Accepted
	<input type="checkbox"/>	Declined	<input type="checkbox"/>	Accepted
	<input type="checkbox"/>	Declined	<input type="checkbox"/>	Accepted
	<input type="checkbox"/>	Declined	<input type="checkbox"/>	Accepted
	<input type="checkbox"/>	Declined	<input type="checkbox"/>	Accepted

Instructions:

*If the individual with a disability has accepted the alternative RA/RM/AAS and is no longer requesting the RA/RM/AAS under reasonableness review, then **STOP** here as there is no need to complete the remainder of the form. Maintain this documentation in the Accommodation File (AF).*

Center Analysis

Contracted OBS:		Current OBS:	
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5. Is there a cost associated with providing the RA/RM/AAS? If so, explain the associated costs.

6. Are there any community resources (e.g., Vocational Rehabilitation) that could assist in providing the RA/RM/AAS? If so, please list and briefly describe how they could assist.

7. Is the center eligible for certain tax credits or deductions to offset the cost of the RA/RM/AAS? If so, which ones?

8. What is the impact on the center's operations if the RA/RM/AAS were to be provided? (*i.e., the impact on the ability of other students to receive aid, benefits, services, or training, or of other staff to perform their duties; and the impact on the center's ability to carry out its mission.*)

9. If the modification would change the essential nature of the program or activity, please explain why. Be as specific as possible.

Instructions:

If the center has determined that the requested RA/RM/AAS would post an undue hardship and/or that the requested modification(s) would result in a fundamental alteration, please do the following:

- 1. Upload the signed Reasonableness Review Form and all supporting documentation to the Wellness and Accommodation E-Folders (e.g., health/disability) in CIS.*
- 2. Email your Regional Disability Coordinator that a Reasonableness Review has been uploaded for review.*

Center Director's Signature

Date

**REASONABLENESS REVIEW FORM
UNDUE HARDSHIP OR FUNDAMENTAL ALTERATION (cont.)**

National Office Analysis/Decision *(National Office Use Only)*

Step 1: Using the information provided by the center in items 1-9 and using **ALL** of the factors listed in the Fundamental Alteration/Undue Hardship sections in Form 2-03, complete an analysis of the reasonableness of the applicant's/student's RA/RM/AAS request to include the following:

Step 2: For each RA/RM/AAS request, complete the following table:

RA/RM/AAS Under Review		Approve Request	UH	FA
1.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Step 3:

- a. If the request(s) is **approved**, then the Disability Support Contractor informs the center of the approved RA/RM/AAS so that the applicant/student* may be informed. No further action is required.
- b. If the determination of a request is that the RA/RM/AAS would pose an **undue hardship** or the modification would result in a **fundamental alteration** to the program, then the following must occur:

1. Summarize why the RA/RM/AAS request was an UH or a FA.

2. Identify actions Job Corps can take that would not result in UH/FA (i.e., what alternate RA/RM/AAS can be provided or other actions can be taken, if any).

	Alternate RA/RM/AAS or Other Actions
1.	_____
2.	_____
3.	_____
4.	_____
5.	_____

3. The Disability Support Contractor informs the center that the National Office determined that the RA/RM/AAS requested were determined to be UH/FA so that the center may inform the applicant/student.*

*An applicant approved for enrollment may choose to enroll without the benefit of the alternative RA/RM/AAS or a student may choose to continue enrollment without the benefit of the RA/RM/AAS.